UNITED STATES PATENT AND TRADEMARK OFFICE

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KEVIN L. RUSSELL
CHERNOFF, VILHAUER, MCCLUNG & STENZEL LLP
1600 ODS TOWER
601 SW SECOND AVENUE
PORTLAND, OR 97204

EXAMINER
SHEPARD, JUSTIN E

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/819,126	ERRICO, JAMES H.
	Examiner	Art Unit	
	Justin E. Shepard	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
 Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>11 July 2008</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-11,13-15,25-28,50-53,57 and 59-64</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-11,13-15,25-28,50-53,57 and 59-64</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>3/3/08, 3/27/08, 9/25/08</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   **Office Action Summary**   Part of Paper No./Mail Date 20081021

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 7/11/08 have been fully considered but they are not persuasive.

Page 14, paragraph beginning with "In each":

The applicant accuses the examiner of misconstruing the arguments, citing portions of the references that prove the applicant's arguments correct, or mistakes the references themselves. The examiner feels that every effort has been made to answer the applicant's arguments to the best of his ability and apologizes for any misunderstandings.

Page 15, paragraph beginning with "Before discussing":

The applicant argues that Herz does not disclose arranging the user preferences in the claimed hierarchy. Specifically that the examiner has used two different portions of Herz to reject this limitation. First of all, the examiner has cited the portions of Herz that teach the moods as being user preferences (column 17, lines 52-61; column 27, line 62 to column 28, line 14). These are considered user preferences as they are used to gauge the user's preference to certain types of programming. They are considered to be in a hierarchical arrangement as they can be multi leveled, i.e. the speculative mood might be a subset of the peaceful mood from 8pm to midnight. The ratings used to teach the three preference options (positive, negative, and neutral) are taught in column 10, lines 51-60. Specifically, Herz teaches that each characteristic can be assigned a

numerical value. This numerical value assigned to user's characteristic, as interpreted

by the examiner, can be assigned to the moods taught by Herz. Also, the examiner

cannot find anything in Herz that would contradict this interpretation. If the applicant

can find a passage, the examiner invites them to respond with that portion in the next

response.

In the following paragraph, the applicant again argues that Herz does not teach

the hierarchical preferences. This was answered in the argument above, page 3 of the

office action sent 2/22/08, and page 2 of the office action sent 10/15 of last year.

Page 16, paragraph beginning with "The primary reference":

In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., the preferences not containing a temporal factor, and therefore being constant) are

not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re

Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Also, the applicant then

admits in this portion that Herz does in fact teach the profiles are hierarchical, if only for

certain time periods.

Page 17, paragraph beginning with "As noted above":

The applicant argues that the preferences taught by Herz do not disclose that the

preferences hierarchies include at least a first level and a second level where said

second level of said user preferences includes preferences descriptive of one or more

preferences of said first level at a finer level of detail. The applicant continues to argue

the rating and not the moods as cited by the examiner. The moods taught by Herz are

interpreted as being hierarchical. The example given is Herz is that the speculative

mood is a subset of the peaceful mood, describing the mood is a child of the other and

therefore contains a finer level of detail than the parent mood.

Page 17, last paragraph:

The applicant continues to argue a portion of Herz not cited by the examiner, and

not the moods that continue to be cited.

Page 18, paragraph beginning with "These arguments":

The applicant cites a portion of Herz that teaches that a mood may be equivalent

to a customer profile. It is the examiner's interpretation of this portion that it refers to an

alternative embodiment and the portions cited by the examiner disclose a preference

and not a profile.

Page 18, paragraph beginning with "Herz at":

The applicant argues that the system of Herz is unable distinguish a

"speculative" mode from a "peaceful" mood as such. There is no cited portion from

Herz to support this statement, and as the system can recommend programming

depending on the mood of the user (column 27, line 62 to column 28, line 14) that the

system would be able to match up programming to any mood available to be assigned
to the user.

Page 18, last paragraph:

The applicant argues portions of Herz not cited by the examiner, and therefore
will not be answered.

Page 19, paragraph beginning with "The Examiner":

In response to applicant's argument that the references fail to show certain
features of applicant's invention, it is noted that the features upon which applicant relies
(i.e., that the preferences are not temporal) are not recited in the rejected claim(s).
Although the claims are interpreted in light of the specification, limitations from the
specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26
USPQ2d 1057 (Fed. Cir. 1993).

Page 19, last paragraph:

This argument is a repeat of previous argument and has been responded to
above.

Page 20, last paragraph:

This argument is a repeat of previous argument and has been responded to
above.

Page 21, paragraph beginning with "Similarly":

     The applicant argues that Herz's system has no way of identifying a "violent"
mood. As moods are assigned for a user for each time period (and sometimes multiple
moods in one time period) (column 17, lines 52-61) this is interpreted as the system
identifying a user's mood.

     The applicant continues to argue that a "violent" mood cannot cause a delivered
program to be assigned a negative value. As Herz discloses that only positive
programming would be broadcast during a time period that matched a user's mood for
that time period (column 27, line 62 to column 28, line 14), obviously programming that
does not match that mood at that time would be passed over or assigned a negative
value.

Page 22, paragraph beginning with "Here the":

     The applicant argues that in a hierarchical system, the higher level must contain
all the information contained in the lower levels. Looking at figure 32 of the applicant's
specification, this would mean that the "head" of the tree PROGRAM would contain all
the information in the tree including both leaf elements. This is not a hierarchical data
structure as understood as the examiner. In a traditional system, each level down (or
lower) contains more information than the level above it and also contains all the
information in the levels above it. The examiner will be objecting to the applicant's
claims as the claim language goes against what is understood in the art.

Page 22, last paragraph:

The applicant argues that claims 10, 25, 50, and 57 include limitations that distinguish them from claim 1. The examiner agrees the amendment to claim 57 distinguishes it from claim 1 and will require its own rejection, but the remaining claims are considered to be similar to claim 1.

Claim Objections

Claims 1, 10, 25, 50, 57, and 60 are objected to because of the following informalities: The applicant is using the term hierarchical in a manner that is not the same as its accepted meaning in the art as stated in the argument responses above. The examiner will continue to examiner the claims using the accepted definition. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-11, 13, 14, 25, 26, 27, 50, 51, 52, 53, 57, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz in view of Finseth.

Referring to claim 1, Herz discloses a method for selecting at least one of audio and video (figure 1) comprising:

(a) receiving user attribute information that includes user preferences arranged in hierarchical levels including at least a first level and a second level where said second level of said user preferences includes preferences descriptive of one or more preferences of said first level at a finer level of detail, wherein said first level includes preferences that together encompass all preferences of said second level, and wherein at least one of said preferences is at a first level and at least two of said preferences are at a second level (figure 1, part 104; column 17, lines 52-61; column 27, lines 62-67; column 28, lines 1-5);

(b) receiving program information corresponding to said at least one of said audio and video, where said program information comprises attributes each corresponding to a respective one of said user preferences (figure 1, part 102; column 28, lines 6-14);

(c) determining automatically the desirability to a user of said at least one of said audio and video based upon jointly processing attributes of said program information attributes and jointly processing preferences of said user attribute information including first level said hierarchical levels of said user attribute information with said second level of said hierarchical levels of said user attribute information (figure 1, part 106; column 27, lines 62-67; column 28, lines 1-14), said preferences include data selectively indicative of at least a first, a second, and a third option (column 10, lines 51-60; column 11, lines 6-12);

(i) said first option including data indicative of the positive desirability of the respective user preference (column 10, lines 51-60; column 11, lines 6-12);

(ii) said second option including data indicative of non-desirability of the respective user preference (column 10, lines 51-60; column 11, lines 6-12); and

(iii) said third option including data indicative of indifference of the respective user preference (column 10, lines 51-60; column 11, lines 6-12);

(d) wherein desirability of said at least one of said audio and video is increased based upon any included program attribute corresponding to a preference that has data indicative of said first option, desirability of said at least one of said audio and video is decreased based upon an included program attribute corresponding to a preference that has data indicative of said second option, and desirability of said at least one of said audio and video is unaffected by any included program attribute corresponding to a preference that has data indicative of said third option. (column 14, lines 20-33).

Herz does not disclose a method where said program information attributes each include hierarchical levels including at least a first level and a second level where said second level includes attributes descriptive of one or more attributes in said first level at a finer level of detail, wherein said first level includes preferences that together encompass all preferences of said second level, and wherein at least one of said program information attributes is at a first level and at least two of said program information attributes is at a second level; and wherein determining the desirability of said at least one of said audio and video based upon jointly processing preferences of at least said first level of said hierarchical levels of said program information with said

second level of said hierarchical levels of said program information attributes and

processing preferences of at least said first level and said second level of said

hierarchical levels of said user attribute information.

In an analogous art, Finseth teaches a method where said program information

attributes include hierarchical levels including at least a first level and a second level

where said second level of said program information attributes includes attributes

descriptive of one or more attributes in said first level at a finer level of detail, wherein

said first level includes attributes that together encompass all attributes of said second

level, and wherein determining the desirability of said at least one of said audio and

video based upon jointly processing preferences of at least said first level and said

second level of said hierarchical levels of said program information attributes and

processing preferences of at least said first level and said second level of said

hierarchical levels of said user attribute information (column 12, lines 47-48 and 53-57;

figure 4, parts 98A; Note: as the hierarchical program attributes found in figure 4 of

Finseth are found in the inputs to the agreement matrix calculation in Herz (column 28,

lines 6-14) it is interpreted as these hierarchical attributes being jointly processed).

At the time of the invention it would have been obvious for one of ordinary skill in

the art to use the hierarchical program attribute information taught by Finseth in the

method disclosed by Herz. The motivation would have been to provide a more intuitive

method of filtering the display of programs when provided in the EPG.

Claims 10, 50, and 60 are rejected on the same grounds as claim 1.

Regarding claim **2**, Herz teaches wherein said first option is a non-binary preference value (column 10, lines 51-60).

Regarding claim **3**, Herz teaches wherein said second option is a non-binary preference value (column 10, lines 51-60).

Referring to claim 4, Herz teaches wherein said first option is positive preference value (column 10, lines 51-60).

Referring to claim 5, Herz teaches wherein said second option is a negative preference value (column 11, lines 6-12).

Regarding claim **6,** Herz teaches wherein said preferences are adjustable by a user (column 14, lines 20-33).

Regarding claim **7**, Herz teaches wherein said preferences include at least one default value (column 11, lines 56-60).

Regarding claim **8**, Herz teaches wherein said preferences are adjustable by a user (column 14, lines 20-33).

Regarding claim **9**, Herz teaches wherein said determining results in a value
(column 10, lines 51-60).

Regarding claim **11**, Herz teaches wherein said determining the desirability
includes: (a) calculating a first ranking value for said first program attribute information;
(b) calculating a second ranking value for said second program attribute information;
and (c) determining said relative ranking based upon said first ranking value and said
second ranking value (column 14, lines 20-33).

Regarding claim **13,** Herz teaches wherein said determining the desirability
includes and operation where, (a) said first program attribute information includes a first
attribute and free from a second attribute; (b) said second program attribute information
includes said first attribute and said second attribute; and (c) said determining said
relative ranking indicates said second program as more desirable than said first
program (column 14, lines 20-33).

Claim 25 is rejected on the same grounds as claims 1 and 13.

Regarding claim **14**, Graves teaches wherein said determining the desirability
includes and operation where, (a) said first program attribute information includes a first
attribute and free from a second attribute; (b) said second program attribute information
includes said first attribute and a relatively smaller presence of said second attribute in
comparison to said first attribute; and (c) said determining said relative ranking indicates

said second program as more desirable than said first program (column 14, lines 20-33).

Regarding claim **26,** Herz teaches wherein said evaluating is free from combining multiple preference values into a single composite preference value (column 10, lines 51-60).

Regarding claim **27**, Herz teaches wherein a said composite score is determined for a plurality of said videos, and said video are ranked based, at least in part, upon said composite scores. (column 14, lines 20-33).

Regarding claim **51**, Herz teaches wherein said ranking determines said first video as more desirable for said user than said second video (column 10, lines 51-60).

Regarding claim **52,** Herz teaches wherein said ranking determines said second video as more desirable for another user than said first video (column 10, lines 51-60).

Regarding claim **53,** Herz teaches wherein said ranking is in a relativistic manner (column 10, lines 51-60).

Referring to claim 57, Herz discloses a method for selecting at least one of audio and video (figure 1) comprising:

(a) receiving user attribute information corresponding to user preferences, wherein said user attribute information includes a plurality of preferences, wherein said preferences include hierarchical levels so that data at a second level is included with data at a first level, wherein at least one of said preferences is at a first level and at least two of said preferences is at a second level dependent upon said at least one of said preferences at said first level wherein said first level includes preferences that together encompass all preferences of said second level (figure 1, part 104; column 17, lines 52-61; column 27, line 62 to column 28, line 14);

(b) receiving program attribute information corresponding to said at least one of an audio and video (figure 1, part 102; column 28, lines 6-14);

evaluating program information and user attribute information by:

(i) determining a first value based upon, at least in part, whether a first a portion of said user attribute information matches a portion of said program attribute information (column 17, lines 52-61; column 27, line 62 to column 28, line 14), and

(ii) determining a second value based upon, at least in part, whether a second portion of said user attribute information matches a portion of said program attribute information (column 17, lines 52-61; column 27, line 62 to column 28, line 14; Note: as each mood would be matched for the programming, both moods would be assigned a matching value);

(d) if at least one of said first value or said second value indicates non-desirability of said at least one of audio and video discarding said at least one of said audio and video in response to receiving said user attribute information and said program attribute

information for said at least one of said audio and video, as a desirable said at least one

of audio and video for said user (column 17, lines 52-61; column 27, line 62 to column

28, line 14)

(e) if said at least one of audio and video is not discarded as a result of step (d)

then determining a third value based upon, at least in part, said first value and said

second value (column 17, lines 52-61; column 27, line 62 to column 28, line 14).

Herz does not disclose a method wherein at least one of said program attribute

information is at a first level and at least two of said program attribute information is at a

second level dependent upon said at least one of said program attribute information at

said first level;

(c) jointly evaluating said first level of said hierarchical levels of said program

attribute information with said second level of said hierarchical levels of said program

attribute information and processing preferences of at least said first level of said

hierarchical levels of said program information with and said second level of said

hierarchical levels of said user attribute information to evaluate said user attribute

information and said program attribute.

In an analogous art, Finseth teaches a method wherein at least one of said

program attribute information is at a first level and at least two of said program attribute

information is at a second level dependent upon said at least one of said program

attribute information at said first level;

(c) jointly evaluating said first level of said hierarchical levels of said program

attribute information with said second level of said hierarchical levels of said program

attribute information and processing preferences of at least said first level of said

hierarchical levels of said program information with and said second level of said

hierarchical levels of said user attribute information to evaluate said user attribute

information and said program attribute (column 12, lines 47-48 and 53-57; figure 4,

parts 98A; Note: as the hierarchical program attributes found in figure 4 of Finseth are

found in the inputs to the agreement matrix calculation in Herz (column 28, lines 6-14) it

is interpreted as these hierarchical attributes being jointly processed).

 At the time of the invention it would have been obvious for one of ordinary skill in

the art to use the hierarchical program attribute information taught by Finseth in the

method disclosed by Herz. The motivation would have been to provide a more intuitive

method of filtering the display of programs when provided in the EPG.

2. Claims 15, 28, 59, and 61-64 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Herz in view of Finseth as applied to claim 10 above, and further in

view of Graves.

 Referring to claim 15, Herz and Finseth do not disclose a method wherein said

determining the desirability includes and operation where, (a) said first program attribute

information includes a first attribute and a second attribute, where said second attribute

has a first relatively smaller presence than said first attribute in said first program; (b)

said second program attribute information includes said first attribute and said second

attribute, where said second attribute has a second relatively smaller presence than

said first attribute in said second program, where said first relatively smaller presence is

smaller than said second relatively smaller presence; and (c) said determining said

relative ranking indicates said second program as more desirable than said first

program.

In an analogous art, Graves teaches a wherein said determining the desirability

includes and operation where, (a) said first program attribute information includes a first

attribute and a second attribute, where said second attribute has a first relatively smaller

presence than said first attribute in said first program (See Fig. 3, Fig. 5 A program

could have a smaller value for one attribute versus another i.e. Actor #1 has a smaller

value (weight) than Story appeal); (b) said second program attribute information

includes said first attribute and said second attribute, where said second attribute has a

second relatively smaller presence than said first attribute in said second program,

where said first relatively smaller presence is smaller than said second relatively smaller

presence (See Fig. 3, Fig. 5 A program could have a smaller value for one attribute

versus another i.e. Actor #1 has a smaller value(weight) than Story appeal and a

program could have a smaller value for an attribute when compared to that value for

that attribute of another program); and (c) said determining said relative ranking

indicates said second program as more desirable than said first program (See Col. 6

lines 17-52 Col. 8 Eqn. 1 Based on the weighting and values of each attribute a second

program could receive a higher ranking than a first program).

At the time of the invention it would have been obvious for one of ordinary skill in

the art to add the preference modification taught by Graves to the method disclosed by

Herz and Finseth. The motivation would have been to enable the preferences to be
more accurate, thereby making the system more enticing to possible customers.

Regarding claim **28,** Herz and Finseth do not disclose a method wherein said
composite score is determined free from comparing said first score and said second
score.

In an analogous art, Graves teaches wherein said composite score is determined
free from comparing said first score and said second score (See Col. 8 Eqn 1 The
composite score is the sum of the first score and the second score. Summing is free
from comparison).

At the time of the invention it would have been obvious for one of ordinary skill in
the art to add the preference modification taught by Graves to the method disclosed by
Herz and Finseth. The motivation would have been to enable the preferences to be
more accurate, thereby making the system more enticing to possible customers.

Regarding claim **59,** Herz and Finseth do not disclose a method wherein said
evaluating is based upon a summation operation.

In an analogous art, Graves teaches wherein said evaluating is based upon a
summation operation (See Col. 8 Eqn. 1). From the specification the AND function is an
averaging function (Page 131 lines 13-14), the result of Graves summation divided by
the number of elements summed (n).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz with the teachings of Graves so that the result of his summation equation was divided by the number of elements added together to create normalized grades.

Regarding claim **61,** Herz and Finseth do not disclose a method wherein at least one of said first operator and said second operator is an "OR" function.

In an analogous art, Graves teaches wherein at least one of said first operator and said second operator is an "OR" function (See Col. 8 Eqn. 1).   From the specification the "OR" function is a summation (Page 135 line 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz with the teachings of Graves so that the result of his summation equation was divided by the number of elements added together to create normalized grades.

Regarding claim **62,** Herz and Finseth do not disclose a method wherein said first operator and said second operator are "OR" functions.

In an analogous art, Graves teaches wherein said first operator and said second operator are "OR" functions (See Col. 8 Eqn. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz with the teachings of Graves so that the

result of his summation equation was divided by the number of elements added

together to create normalized grades.

Regarding claim **63,** Herz and Finseth do not disclose a method wherein said first

set and said second set depend from the same preference within said hierarchy.

In an analogous art, Graves teaches wherein said first set and said second set

depend from the same preference within said hierarchy (See Col. 8 Eqn. 1 The first set

and second set are on the same level of the hierarchy and depend from the overall

preference).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Herz with the teachings of Graves so that the

result of his summation equation was divided by the number of elements added

together to create normalized grades.

Regarding claim **64,** Herz and Finseth do not disclose a method wherein said first

set and said second set have a different number of preferences.

In an analogous art, Graves teaches wherein said first set and said second set

have a different number of preferences (See Col. 8 Eqn. 1 i values 1 to n could be an

odd number divided into two sets).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Herz with the teachings of Graves so that the

result of his summation equation was divided by the number of elements added
together to create normalized grades.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Justin E. Shepard whose telephone number is (571)
272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for
the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

/Annan Q Shang/
Primary Examiner, Art Unit 2424